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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,557	03/17/2004	Hiroatsu Inui	0505-1281P	1901

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EXAMINER

ESHETE, ZELALEM

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,557

Applicant(s)

INUJ ET AL.

Examiner

Zelalem Eshete

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 9 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,10,11,13,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent (JP62-11294).

Regarding claim 1: Patent (JP62-11294) discloses a lubricating structure for an OHC internal combustion engine comprising a cam holder, wherein an oil feed path for feeding a lubricant to an upper end of a valve stem is formed integrally with the cam holder so as to project therefrom (see figure 3).

Regarding claim 11: Patent (JP62-11294) discloses the claimed invention as recited above; and further discloses an oil feed path is formed on an upper surface of a rearwardly projecting extension of the cam holder (see figure 3).

Regarding claims 3,13: Patent (JP62-11294) discloses a projection protruding downward is formed at an exit of the oil feed path (see figure 3).

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Regarding claims 10,20: Tsuchida discloses the lubricant flowing through the oil feed path is discharged at an exit of the oil feed path, the exit being disposed substantially above the upper end of the valve stem (see figures 9,10).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,10-16,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida (5,704,330) in view of Patent (JP62-11294).

Regarding claim 1: Tsuchida discloses a lubricating structure for an OHC internal combustion engine comprising a cam holder, wherein an oil feed path for feeding a lubricant to an upper end of tappet is formed integrally with the cam holder so as to project therefrom (see figure 8, abstract).

Tsuchida fails to disclose feeding a lubricant to an upper end of a valve stem.

Patent (JP62-11294) teaches feeding a lubricant to an upper end of a valve stem.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tsuchida's system by providing lubrication for valve stem

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as taught by Patent (JP62-11294) in order to apply the lubrication system to various engine types.

Regarding claim 11: Tsuchida as modified above discloses the claimed invention as recited above; and further discloses an oil feed path is formed on an upper surface of a rearwardly projecting extension of the cam holder (see figure 8).

Regarding claims 2,12: Tsuchida discloses the oil feed path has an equivalent of a trough-shaped (see figure 8).

Regarding claims 3,13: Tsuchida discloses a projection protruding downward is formed at an exit of the oil feed path (see figure 10, numeral 91; column 7, lines 27 to 40).

Regarding claims 4,14: Tsuchida discloses part of the lubricant for lubricating a cam is supplied to the oil feed path (see figure 9; column 7, lines 27 to 40).

Regarding claims 5,15: Tsuchida discloses the internal combustion engine includes a plurality of valves arranged in a direction of a camshaft, the oil feed path being a plurality of oil feed paths, and wherein each of the valves is formed with an oil path that independently communicates with one of the plurality of oil feed paths (see figures 7,8).

Regarding claims 6,16: Tsuchida discloses the cam holder rotatably clamps a camshaft with respect to a cylinder head, a bottom side of the cam holder having a mating surface and equivalent to "semi-arcuate" surfaces formed with an oil path allowing the lubricant to flow to a bolt insertion hole leading upward to the oil feed path on an upper side of the cam holder (see figure 8, column 6, lines 7 to 15).

Regarding claims 10,20: Tsuchida discloses the lubricant flowing through the oil feed path is discharged at an exit of the oil feed path, the exit being disposed substantially above the upper end of the valve stem (see figures 9,10).

3. Claims 1-3,5-8,10-13,15-18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent (JP62-11294).

Regarding claim 1: Patent (JP62-11294) discloses the claimed invention as recited above except for "integral" oil feeder/cam holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate the oil feeder/cam holder, since it has been held that constructing a formerly various elements into an integral structure involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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Regarding claim 11: Patent (JP62-11294) discloses the claimed invention as recited above; and further discloses an oil feed path is formed on an upper surface of a rearwardly projecting extension of the cam holder (see figure 3).

Regarding claims 2,12: Patent (JP62-11294) discloses the oil feed path has an equivalent of a trough-shaped (see figure 3).

Regarding claims 3,13: Patent (JP62-11294) discloses a projection protruding downward is formed at an exit of the oil feed path (see figure 3).

Regarding claims 5,15: Patent (JP62-11294) discloses the claimed invention except for duplication of valves/paths. It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the lubrication system for plurality of valves, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 6,16: Patent (JP62-11294) discloses the cam holder rotatably clamps a camshaft with respect to a cylinder head, a bottom side of the cam holder having a mating surface and equivalent to "semi-arcuate" surfaces formed with an oil path allowing the lubricant to flow to a bolt insertion hole leading upward to the oil feed path on an upper side of the cam holder (see figure 3).

Regarding claim 7,17: Patent (JP62-11294) discloses a nose portion is formed on an inclined upper surface of the cam holder so as to project rearwardly, the nose portion being "triangular-shaped" in side view, and having an upper surface inclined downward, in that (JP62-11294) discloses a structure inclined and functions as an oil feeder to the valve stem (see figure 3).

Regarding claim 8,18: (JP62-11294) discloses the oil feed path is formed on the upper surface inclined downward (see figure 3).

Regarding claims 10,20: (JP62-11294) discloses the lubricant flowing through the oil feed path is discharged at an exit of the oil feed path, the exit being disposed substantially above the upper end of the valve stem (see figure 3).

Allowable Subject Matter

4. Claims 9,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

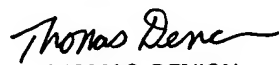
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (571) 272-4860. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zelalem Eshete
Examiner
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A handwritten signature in black ink, appearing to read 'Zelalem Eshete', enclosed within a large, loopy circular flourish.


THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700